

LOCATION OF PRESIDENTIAL CAR AT TIME OF FIRST AND THIRD SHOTS

Statements of Witnesses - James W. ALTGENS
Deposition 2

July 22, 1964, 7 H 515-31

James Altgens could and should have been one of the most important and informative witnesses to appear before the Commission.

He wasn't, and only because the Commission so arranged it.

The errors and omissions in his questioning, the offers he made that were not accepted, the distorted use that was made of his famous photograph, once again are so conspicuous and obvious to those who have had any experience with investigations that they cannot be considered accidents.

The Altgens photograph, Commission Exhibit 900, is used almost entirely by the Commission to refute the claim that Lee Harvey Oswald was standing in the main entrance of the Book Depository, whereas, the Commission says, the person seen in the photograph was Billy Lovelady.

The Commission's legitimate interests in this direction were more than adequately served by the testimony of Lovelady and a number of other people.

The true importance, and the real significance, of this Altgens picture is that it was taken after the President was shot, shows enough of the President so that, by comparison with the Zapruder films, it is possible to establish that the Altgens photograph, while taken only very shortly after the President was shot, nonetheless establishes that he had reached a certain point in the degree of his reaction. And this will show that the car had preceded quite a few feet after the first bullet struck the President.

Although it is completely avoided in Altgen's testimony, this photograph clearly shows that Gov. Connally had not been struck and

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that he did exactly what he testified he did.

To begin with, the Commission seriously cropped the Altgens photograph. The Commission used appreciably less than half of this photograph without indicating the degree to which it had cropped it. As a consequence, the point at which Altgens stood to take the picture and the relative positions of the objects in the car and the camera are severely distorted.

Without having access to the original negative (and the Commission was careful to never use any print of the entire negative), it is not possible to tell exactly what is included on this negative. The Associated Press, for example, on p.16 of its book, "The Torch Is Passed", has cropped a little of the left (compared to the Commission's version) and some of the top or bottom or both. It seems likely, knowing Altgens' position, that at least some of the bottom was cropped.

As cropped by the Commission, the photograph seems to have been taken with a telephoto lens. There is nothing in Altgens' testimony to indicate this, and everything to indicate the contrary.

One of the failings of the interrogation is that the nature of the lens and the identification of the camera and the type of the film - none, are asked or referred to.

Even worse, the Commission has used several different versions of the same photograph. For example, in the report (R.113), there is less of the left, and appreciably more of the top, bottom and right, than appears in Exhibit 203 (16 H 584); but neither of these photographs shows what is abundantly clear in the original, the position of the escorting motorcycle policemen (a subject of some importance in evaluating their testimony) and, again because the Report photograph seems to have been taken by a telephoto lens, distorts the relationship

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between the Presidential and the followup cars, about which Secret Service agents gave incorrect testimony. The police, on the contrary, gave correct testimony, and these are the policemen who are excluded from the picture as printed by the Commission.

The Associated Press version shows that the Presidential and followup cars are not exactly in a line with each other, the followup car having turned back to the left because it had been farther to the right than the Presidential car was at the time the photograph was taken. There is more space between the followup car and the convertible in which the Johnsons are riding, the third car. Only the fourth car has turned the corner and none of the fifth car is visible. This certainly provides a means of getting a rough idea of where the Presidential car was well after the President had been struck by the third shot.

Even more important, at least the rear door on the driver's side of the Presidential followup car was open. This is clear, and there can be absolutely no question about it. Somebody in the vice presidential followup car had had enough time to react and was reacting. I recall no reference to this any place in the Report or in any of the 26 volumes. This it seems to me is intelligence of the highest order. The Commission cropped it out.

The motorcycle policeman closest to the south curb of Elm Street is, as he had testified, looking in the direction of the President. The motorcycle policeman on the right of the President, as can be seen in all versions, has also turned to his left.

People are, in fact, hanging out of the windows of the building on the northeast corner of Elm and Houston. Without knowing what the entire Altgens negative shows, there is no way of knowing whether there

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were, for example, open windows with or without people in them, at this particular instant. We do know that a man was arrested in the building, and I have not seen any disposition of his arrest.

While this is by no means certain, and only examination of a clear enlargement would prove the point, there is reason to believe that Rufus Youngblood has already begun to react. Because he is partly hidden by one of the motorcycle patrolmen and partly in the shadow, it is not possible to be certain from what photographs I now have available.

It seems difficult to exaggerate the importance of the information the Commission could have obtained from Altgens and an honest and careful examination of his photograph. For example, the building across the street, not visible in either of the Commission's versions, is clearly visible in the Associated Press copy, and it shows a fire escape with an open window at the landing of the fire escape going from the first to the second floors.

The other Altgens photograph, not used by the Commission, shows Agent Hill not yet on the trunk of the car, Jackie Kennedy's blood-stained glove upon the trunk, and the car has not yet reached the last lamppost on the north side of Elm Street, it has yet to turn to go under the triple underpass, and the chief's car has already turned almost at right angles to the underpass. As a method of computation, this is an excellent photograph, especially when compared with unused frames of the Zapruder film.

Knowing where Altgens was, and he pretty clearly identifies himself, and he is shown in the Zapruder film and it is known where Zapruder was, the possibilities of drawing the straight lines between these points and the points shown in Altgens' photograph are almost

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without limit, and it takes neither a Harvard law degree nor years in the FBI to recognize that this, above all, should have been done.

But the Commission didn't do it. It went even farther, it had Altgens identify himself on a photograph, at first by its nature, then its distortion to what it shows, and second, on such a small scale that in placing himself, he can only do so approximately. To confuse this even more, the Commission didn't use the photograph upon which he marked the point from which he took the picture. It translated his markings onto another photograph where 18 other identifications had been added, not counting the names of the streets lettered in.

As a consequence of the very small scale used, because it is an aerial photograph to begin with, not taken from directly overhead, in addition, and worst of all, shows about 16 times more area than is necessary or desirable in identifying Altgens, the Presidential car and the Book Depository, and the point at which Altgens saw the last bullet hit the President in the head. This, of course, only if an aerial photograph was desirable. If there was a legitimate need for using an aerial photograph, it should have been taken from directly overhead in order not to destroy perspective, it should have been of the appropriate size, it should have been used with other photographs, especially the Zapruder photograph, which is never once referred to in Altgens' deposition.

Altgens was a veteran Associated Press photographic employee. He is a ~~wire~~ photo operator who also is a news photo editor and a photographer. (p.515) He had been employed by the Dallas bureau of the Associated Press for 26-1/2 years.

At the very beginning of his testimony, he volunteered the information that he was denied access to the overpass by uniformed police,

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even though he had proper credentials and even though, as he later pointed to another police officer, others were allowed onto the Overpass. He quoted these police officers as saying, "no one is permitted."

He then searched for alternate locations from which to make photographs and decided that if he took one east on Main Street as the motorcade approached and made the turn, he would be able to run to Elm and get additional photographs. This is what he later did. (p.516)

Altgens apparently had been neither requested nor subpoenaed to bring anything with him because he immediately volunteered "I do not have the roll of film with me now so I don't know exactly, but I know I had made an additional one or two pictures of the caravan coming down Main Street ..." He also got a picture of the President waving into the camera as they turned the corner from Main into Houston, of the north wind catching Jackie Kennedy's hat and almost blowing it off and her grabbing it (but the Commission doesn't want to say much about the wind because it has a lot of bearing on the motion of the tree through which the assassin is supposed to have shot).

As soon as he took this picture, Altgens said, "I thereupon grabbed my gadget bag that I carry my extra lenses in and ran fast down across the Dealey Plaza to get in front of the caravan for some additional pictures and I took this one picture - ". Of course, Liebeler had to interrupt at this point. All Liebeler did was to make a misstatement in the form of a question by asking Altgens if "as you ran across, you were along Elm Street; is that correct?" It was not correct; Altgens in no way indicated that he ran along Elm Street. He ran across Dealey Plaza ~~to~~ to Elm Street and stopped on the curb. Liebeler succeeded. He confused Altgens. Altgens said he was on the

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"west" side of Elm St. and the sides of Elm St. are north and south, and Altgens was on the south side. This, of course, Liebeler doesn't see fit to correct. Liebeler interjects with a misleading question, "Across Elm Street from the Texas School Book Depository Building?" Altgens may have been approximately opposite the west end of the extension, but he was not and Liebeler knew he was not across from the Depository Building itself. The following exchange is interesting and illuminating:

"Mr. Altgens. Yes, sir; and if I had a picture I could probably show you exactly where I was standing. I did show it to Agent Switzer, if that would be of any help to you.

Mr. Liebeler. Yes; I would like to locate that spot. I show you Exhibit No. 354, which is an aerial view of the ^{area} ~~xxxx~~ that we have been discussing." (p. 517)

Altgens had a picture which he said would show "exactly where I was standing." He ^{also} said he had shown it to Agent Switzer, whom he subsequently identifies as an FBI agent. So not only could the Commission have gotten this from Altgens, but it should have known of its existence from the FBI. Instead, Liebeler elected to use the previously described aerial photograph which is Exhibit 354 (16 H 949)0

(Another version of the Altgens photograph is, Exhibit 369 on p. 965. While used for the purpose of locating Lovelady, it does show the President and his grasp at his throat more clearly than other Commission versions, shows Gov. Connally fairly clearly, shows that Kellerman did not turn around at the first shot as he said.)

Any experienced lawyer or investigator would have asked Altgens questions that would give meaning to the following excerpt:

"Mr. Altgens. This would put me at approximately this area here,

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which would be about 15 feet from me at the time he was shot in the head - about 15 feet from the car on the ~~east~~^{west} side of the car - on the side that Mrs. Kennedy was riding in the car.

Mr. Liebeler. You have ^{indicated} indicated a spot along the side of Elm Street which I have marked with a No. 3; is that correct?

Mr. Altgens. Yes, sir." (p.517)

Reading this reveals nothing except that Altgens was 15 feet from the President when the bullet struck the President in the head. By asking Altgens about landmarks in the photograph, the reader would have had a much better idea of Altgens' location. This would have been ~~xx~~ especially true had the Zapruder clips been used and had other available photographs been referred to.

Altgens begins to talk about the picture he took, and for a man who has had military experience, one comment about the sound of ~~the~~^{the} first shot is interesting. He said, "the sound was not of such a volume that it would indicate to me it was a high velocity rifle." (p.517)

^{Because}
~~xxxxxx~~ all sorts of other identifications had already been marked upon this photograph, Altgens is deceived by the various markings which Liebeler thereupon explains are the identifications of other witnesses. But even so, it is clear the photograph shown Altgens, with or without these additional markings, is not identically the same as Exhibit 354 as printed.

After describing the President's reaction to the shot and to the head shot that was visible to him, Altgens referred briefly to the picture of the approach to the Triple Overpass that the Commission doesn't use. He then goes back and describes how he got ready to take a picture just before the President's received his blow to the head. He said he had prefocused to the area, had adjusted the camera to 15 feet

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because he knew that would be the correct focus, "and I had my camera almost to my eye when it happened and that's as far as I got with my camera." Not knowing that the President had been shot previously, thinking the sounds were fireworks, he was shocked by what he saw and missed his opportunity. "It stunned me so at what I saw that I failed to do my duty and make the picture that I was hoping to make." He did not mean he was hoping to get the shot of the President being killed, but he was hoping for a close-up view of the President and didn't get that. After taking his last shot and because he was interested in whether or not anyone else had been hit, he moved to the north side of the street and when he glanced toward the Depository, he saw the Negroes looking from the Depository windows (later he describes them as "leaning out"). (p.518)

Altgens then started up the incline because so many people, including officers, were going in that direction. He thought possibly the assassin might have been there. He took another "long look around before I started my dash back to the office ..."

Of all the versions of the Altgens' picture Liebeler could use, he showed the photographer a version with much of the bottom, top, and more than half of the right-hand side cropped off. This photograph, identified as Exhibit 203, occupies only approximately 1/3 of p.584, the rest of which is blank. Instead of going into the picture and what it showed, Liebeler wants to know if Altgens recognizes any of the people in it.

This was Liebeler's basis for a major diversion when, as soon happened, it became necessary. Even here, Liebeler digresses unnecessarily, asking Altgens a question the answer to which Altgens had previously volunteered, about whether or not the President had reacted. (p.519)

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Again Liebeler leads Altgens into a discussion of the number and frequency of the shots, although Altgens had made it very clear he is certain there was a first and a last and how many there were in between he didn't know. Altgens was absolutely positive that the last~~st~~ shot was the one that struck the President in the head. He was soon to give a very commonsense explanation of not only his recollection but the logic of this. (p.520)

When Altgens said he was about 30 feet away from the Presidential car at the time he took his famous photograph, Liebeler in effect starts an argument with him by disputing him; and, of course, Liebeler had to dispute him, not in the proper way, by means of Altgens' photograph, camera and the taking of a similar photograph, but by arguing. (p.520)

After another page of argument, Altgens said he didn't move from the time he took the picture until the time he missed the picture of the President receiving the fatal injury. If he did, he said, it could have been only about a step or so. As he points out, the presence of motorcycle policemen on the President's side would have precluded much more movement. On his own, Altgens attempts to bring in identifying landmarks, such as the tree behind the President.

Liebeler finally brings his worries into the open:

"Mr. Liebeler. Now, the thing that is troubling me, though, Mr. Altgens, is that you say the car was 30 feet away at the time you took Commission Exhibit No. 203 and that is the time at which the first shot was fired?

Mr. Altgens. Yes, sir.

Mr. Liebeler. And that it was 15 feet away at the time the third shot was fired.

Mr. Altgens. Yes, sir.

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Mr. Liebeler. But during that period of time the car moved much more than 15 feet down Elm Street going down toward the triple underpass?

Mr. Altgens. Yes, sir.

Mr. Liebeler. I don't know how many feet it moved, but it moved quite a ways from the time the first shot was fired until the time the third shot was fired. I'm having trouble on this Exhibit No. 203 understanding how you could have been within 30 feet of the President's car when you took Commission Exhibit No. 203 and within 15 feet of the President's car when ^{he} ~~you~~ was hit with the last shot in the head without having moved yourself. Now, you have previously indicated that you were right beside the President's car when he was hit in the head.

Mr. Altgens. Well, I was about 15 feet from it.

Mr. Liebeler. But it was almost directly in front of you as it went down the street; isn't that right?

Mr. Altgens. Yes. (p.521)

Mr. Liebeler. Am I wrong, or isn't it correct that under that testimony the car couldn't have moved very far down Elm Street between the time you took Exhibit No. 203, which you took when the first shot was fired, and the time that you say his head being hit, which was the time the last shot was fired?

Mr. Altgens. Well, I have to take into consideration the law governing photographic materials and the use of optics in cameras - lenses - and while ^e my camera may have been set on a distance of 30 feet, there is a plus or minus area in which the focus still is maintained. I figure that this is approximately 30 feet because that's what I have measured on my camera.

Mr. Liebeler. And you say Exhibit No. 203 was taken about 30 feet away?

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Mr. Altgens. But it might be 40 feet, but I couldn't say that that's exactly the distance because while it may be in focus at 40 feet, my camera has ^{it} in focus ~~at~~ 30 feet. It's the same thing - if I focus at 15 feet, my focus might extend 20 feet and it might also be reduced to 10 feet, but my focusing was in that general area of 30 feet. I believe, if you will let me say something further here about this picture -

Mr. Liebeler. Go ahead.

Mr. Altgens. Possibly I could step this off myself from this position, this approximate position ^{where} ~~which~~ I was standing and step off the distance, using as a guidepost the marker on this post here or some marker that I can find in the area and I can probably step it off or measure it off and get the exact footage. I was just going by the markings on my camera.

Mr. Liebeler. The important thing is - it's not all that important as to how far you were away from the car at the time you took the picture - the thing that I want to establish is that you are absolutely sure that you took Exhibit No. 203 at about the time the first shot was fired and that you are quite ~~a~~ sure also in your own mind that there were no shots fired after you saw the President hit in the head.

Mr. Altgens. That is correct; in both cases." (p.522)

There are many obvious flaws in Liebeler's reasoning. For example, he is assuming and doing so entirely incorrectly that the Altgens photograph shows ~~of~~ the President at the moment he was struck by the first bullet. A comparison of this photograph with clips from the Zapruder film shows the President had been hit relatively a long time before the photograph by Altgens was snapped.

Notice the alacrity with which Liebeler, on behalf of the Commission, refuses Altgens' challenge, politely phrased as an offer, to

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duplicate the whole thing. To have accepted Altgens' offer would have been to destroy the invalid prosecution case the Commission was constructing. After all, if the Commission had been sincerely interested in getting all the information it could from Altgens (as he himself infers later), it would not have waited until 8 months to the day after the assassination to call him, and it would not have avoided having all the necessary equipment and other materials, including an enlargement of the full negative. In easing away from Altgens' offer or challenge, inadvertently Liebeler lets the truth slip out when he said, "it's not at all that important as to how far you were away from the car at the time you took the picture ..."

Nothing could possibly have been more important than just that, which is precisely the reason Liebeler and the Commission were avoiding it and precisely the reason Liebeler immediately changed the subject. Meanwhile, he had already laid a foundation for convincing the Commission that Altgens didn't know what he was talking about.

And in changing the subject back to the number of shots, the least significant testimony that could have been adduced from Altgens, Liebeler gave the photographer a chance to make a very logical and commonsense observation: "... but it seemed obvious to me afterwards that there wouldn't be another shot if the sniper saw what damage he did. He did enough damage to create enough attention to the fact that everybody knew he was firing a gun. Another shot would have truly given him away, because everybody was looking for him,..." (p.522)

Then for another wild-goose chase: Liebeler goes into the claims with which Altgens had had absolutely nothing to do, that Billy Lovelady was really Lee Harvey Oswald. Altgens had already made it clear he didn't and had never known anybody at the Book Depository. (p.522)

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After Liebeler said he had no more questions, he gave Altgens a chance to add comment, one of which was about his subsequent look towards the Book Depository. He said of the Negroes he saw, "they were leaning out as though they were looking for something." From the things Altgens said he did between the time the President was shot in the head and the time he was in a position to see these Negroes, it is clear that, at least for a brief interval, they did not leave their positions in the window. This is important in time reconstructions. It tends to show, when considered with the testimony of the Negroes themselves, that they stayed on the fifth floor for quite a while, relatively speaking, after the shots were fired. Remember, they said they heard no one moving, running, walking on the sixth floor or coming down from it. Altgens also referred to having seen a number of people in the windows of the building across the street from the Book Depository. Even the cropped version used by the Associated Press shows this is true on the second floor, and that photograph shows only the first three floors. (.523)

Altgens also refers to his conversation with a policeman who had a three wheeled motorcycle, half complaining and half pointing out the hazard of all the people on the overpass (p.524).

After almost a page of further discussion about the picture as it is used as a basis for the claim that Oswald was in the doorway and of Altgens' conversation with Bonafede of a Chicago paper and Magy Daley, apparently with the London Daily News, Liebeler thanks Altgens for appearing. He said Altgens' testimony had been helpful "to the extent that it helped to establish the timing of the shots and I'm glad you gave it to us." (p.525)

The importance of the testimony Altgens could have given was to

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the location of the Presidential car at the time of the shots.

Altgens' last comment is a commentary not only upon his testimony, but upon the attitude of the staff of the Commission: "Well, I wish I had been able to give this information to you the next day when it was fresh on my mind because 6 months or so later (it was 8 months), sometimes the facts might be just a little bit off and I hate to see it that way." (p.525)

Larry, this picture in its complete form and his testimony, which is quite credible, confirm that Kennedy was, in fact, shot prior to the earliest point the Commission postulates. I personally believe the manner in which he was handled reveals the Commission's knowledge and understanding of his potential in destroying their entire case. I also believe the fact that probably Youngblood, and certainly a Secret Service agent in the Vice Presidential followup, or fourth, car, clearly understood what had happened and were reacting properly. No matter how instantaneous their reaction, they do take sometime when time is measured with an eon 4.8 seconds.

I have earlier notes on this picture.